

**ORDINANCE NO. 3
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON TO
AMEND SECTION 12, SUBDIVISION STANDARDS, REGARDING A
SUBDIVISION RECLASSIFICATION FROM A MAJOR TO A MINOR
SUBDIVISION AND MINOR AMENDMENTS WITHIN THE CITY OF
GUNNISON LAND DEVELOPMENT CODE.**

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to the *Land Development Code*; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the *Land Development Code* of the City of Gunnison, Colorado, on March 18, 2015; and

WHEREAS, Section 10.5 of the *City of Gunnison Land Development Code* states that approval of a text amendment to the *Land Development Code* may only occur if the application meets all the Review Standards for Text Amendment; and

WHEREAS, on March 18, 2015 the Planning and Zoning Commission of the City of Gunnison recommended approval of the Text Amendment application to the City Council based on findings of fact established through the proceedings of record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the *Land Development Code* on April 14, 2015;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, ORDAINS THAT:**

Section 1. Based upon the application seeking a Text Amendment to the *Land Development Code* and the *Municipal Code*, hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a Text Amendment, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
- B. That the amendment establishes a means to reclassify a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit.
- C. That proposed amendments enhance staff direction or correct errors within the *LDC*.
- D. That based on the findings above, the Text Amendment protects the community's health, safety and welfare.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the Text Amendment to the *Land Development Code*, herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. Section 12, Subdivision Standards, subsection 12.3.B, Subdivision Reclassification, of the *City of Gunnison Land Development Code*, is hereby added to read as follows:

B. Subdivision Reclassification. Major Subdivisions may, at the discretion of the Community Development Director, be reclassified as a Minor Subdivision, prior to the application submittal.

1. **Purpose.** A subdivision reclassification is intended to afford a means for a defined Major Subdivision to be reclassified to a Minor Subdivision, if the proposal provides a demonstrated community benefit that may include, but not be limited to, preservation of public open space, development of affordable housing, trail development or to facilitate the purpose of an organization providing a valuable community benefit.
2. **Process.** Prior to the submittal of a formal subdivision application, the applicant may submit a formal written document to the Director requesting the reclassification of a Major Subdivision to a Minor Subdivision. The written request shall explain how the specific characteristics of said subdivision comply with the Reclassification Review Standards. The Director will provide a written notification of the decision to the applicant and the Commission. The Commission is authorized to deny the Directors decision.
3. **Reclassification Review Standards.** An application for a Subdivision Reclassification shall comply with the following standards:
 - a. **Community Benefit.** The proposed subdivision will provide a derived community benefit as described in the Purposes of this subsection.
 - b. **Utility Services.** Public utility services (water, wastewater, electrical, gas, stormwater) are easily available to the land tract proposed for subdivision and only private service extensions are anticipated.
 - c. **Dedications.** The land tract is serviced by existing city streets and easements (trails, utilities) and/or the dedication of public streets and easements can be addressed through the Minor Subdivision Review process.
 - d. **Non-Motorized Facilities.** The extension of non-motorized transportation facilities can be addressed though the Minor Subdivision process.
 - e. **Consistency with the Master Plan.** The intended uses shall be consistent with the *City of Gunnison Master Plan*.
4. **Subdivision Requirements.** A reclassification approval shall not be construed as a waiver from any of the established requirements for subdivision established by the *Land Development Code*.

Section 4. Section 12, Subdivision Standards, Planned Unit Development Subdivision (PUD), of the *City of Gunnison Land Development Code*, is hereby amended to read as subsection 12.3.C.

Section 5. Section 2, Zoning Districts, Table 2-3 Principal Use Table, Bed and Breakfasts, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 2-3 PRINCIPAL USE TABLE											
Specific Uses		RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Accommodations	Bed and breakfasts				C	C	C	C	P		§3.7 A.1.
	Hostels				C	C	C	C	P		§3.7 A.2.
	Hotels and motels							C	P		§3.7 A.3.
	RV Parks					C			C	C	§3.7.A.4.

Section 5. Section 4, General Development Standards, Table 4-7 Off-Street Parking Requirements, Hostels, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 4-7 OFF-STREET PARKING REQUIREMENTS		
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED
Residential Use Categories (§3.2)		
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	
		2.0 per dwelling unit
	Multi-Family Dwellings, and Upper Floor Residential	1 st Unit
		Each additional unit
		2.0 per dwelling unit
		1.75 per dwelling unit
	Accessory Dwelling Unit	
		1.0 per Accessory Dwelling Unit
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities	
		1.0 per bed
	Nursing Homes	
		1.0 per employee, plus 1 visitor space per 2 beds
	Assisted Living	
		1.0 per employee, plus 1 visitor space per 4 beds
Accommodations	Hotels and Motels	
		1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)
	Hostels	
		1.0 per 2 beds
	Bed and Breakfasts	
		1 space per guest room, plus 2 spaces for the owner/manager's unit

Section 6. Section 4, General Development Standards, subsection 4.8.D.3 Exemptions, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

3. Flags, the maximum individual size of a permanently displayed flag shall be 40 square feet.

Section 7. Section 4, General Development Standards, Table 4-12 Schedule of Requirements for Nonresidential Zone Districts (CBD, I, C), Time/Temperature/Community Announcement signs, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS (CBD, I, C) (CONTINUED)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	Time/Temperature/Community Announcement signs: The display area of less than 15 square feet shall not be included in the allowable sign area; provided, however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.	1 per building face or per business storefront	

Section 8. Section 4, General Development Standards, Table 4-14 Schedule of Requirements for Single-Family and Duplex Zone Districts (R-1, R-1M, R-2), EMC and Free Standing signs, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX ZONE DISTRICTS (R-1, R-1M, R-2)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited: Awning signs (§4.8 C.38.c.) Canopy signs (§4.8 C.38.f.) Changeable signs (§4.8 C.38.g.) Electronic Message Centers (§4.8 C.38.k and §4.8 H.3.b.) Joint Identification signs (§4.8 C.38.s.) Marquee signs (§4.8 C.38.t.) Portable signs (§4.8 C.38.w.) Roof signs (§4.8 C.38.aa.) Vending Machine signs (§4.8 C.38.hh.) Wind signs (§4.8 C.38.jj.)	Identification signs (§4.8 C.38.q.): 4 square feet	1 per building	6 feet
	Temporary Signs (§4.8 C.38.ee. and §4.8 F): 36 square feet	1 per street frontage	12 feet
	EMC (§4.8 C 38 k): 12 square feet of sign area.	1 per street frontage	Allowed for churches, schools, and community buildings only.
	Free Standing signs (§4.8 C.38.n.): calculated PSA or 12 square feet maximum.	1 per street frontage	Allowed for churches, schools, and community buildings only.

- Section 9.** Section 9, Development Standard Waivers, subsection 9.1.C.2 Planning and Zoning Commission Waivers, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:
- 2. Planning and Zoning Commission Waivers.** Waivers that are determined by the Commission and/or administratively by staff are related to Site Development Applications. Waivers recommended to City Council by the Commission are acted upon as a public hearing agenda item at a meeting. Waivers considered by the Commission are acted upon at a regular meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this LDC.
- Section 10.** Section 12, Subdivision Standards, subsection 12.3.A Minor Subdivision, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:
- 2. Minor Subdivision.** A Minor Subdivision is a subdivision which proposes not more than eight lots or units and which subdivides a parent parcel of less than four acres or an approved subdivision reclassification. A Minor Subdivision is subject to an expedited subdivision three-step review process, wherein the Sketch Plan review by the Commission has been deleted. The applicable review steps are as follows:
- a. Step One.** Review of the Preliminary Plat by the Commission at a public hearing, as described in §12.6, Preliminary Plat Review.
- b. Steps Two and Three.** Review of the Final Plat by the Commission and City Council, as described in §12.7, Final Plat Review.
- Section 11.** Section 16, Definitions, subsection 16.2. General Terms Defined, Recreational vehicle, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

Recreational vehicle	A pickup camper, motor home, travel trailer, tent trailer, vehicle and tent or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy. Recreation vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than seven days on private property within a 30-day period.
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INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 14th day of April, 2015, on first reading, and introduced, read, and adopted on second and final reading this 28th day of April, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

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